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HOUSE BILL NO. 484

INTRODUCED BY K. SULLIVAN

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE COMMUNICATION ADVISORY COMMISSION; AMENDING THE COMMISSION'S STRUCTURE; INCLUDING INFRASTRUCTURE INVESTMENT AND JOBS ACT FUNDING; AMENDING SECTIONS 90-1-603 AND 90-1-608, MCA; AMENDING SECTION 8, CHAPTER 401, LAWS OF 2021, AND SECTION 13, CHAPTER 449, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 90-1-603, MCA, is amended to read:

"90-1-603. (Temporary) Establishment of program -- administration and funding. (1) The

department shall establish the broadband infrastructure deployment program and shall administer and act as the fiscal agent for the program and is responsible for receiving and reviewing responsive proposals and awarding contracts after review by the communications advisory commission provided for in Chapter 401, Laws of 2021, and the governor's approval. A request for proposal may be cancelled or any proposal may be rejected in whole or in part when it is in the best interests of the state.

(2) Funding for the program established under this section is subject to appropriations from

general fund revenue, from bonds issued by the department, or federal broadband stimulus funds included in the American Rescue Plan Act of 2021, Public Law 117-2, the Infrastructure Investment and Jobs Act of 2021, Public Law 117-58, or other federal funds appropriated by congress and allocated to the department for funding of broadband communications projects. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

Section 2. Section 90-1-608, MCA, is amended to read:

"90-1-608. (Temporary) Implementation. (1) Consistent with the provisions of this part, the

department shall define criteria and implementation processes to ensure that project funds are used as intended.

1 (2) The department shall give priority to projects:

2 (a) proposed by Montana-owned telecommunications providers;

3 (b) that are economically infeasible without state support; and

4 (c) that are located in rural regions of the state.

5 (3) Funding must be granted with equal geographic distribution to the greatest extent possible.

6 (4) The department shall prioritize projects that do not duplicate awards or overlap with existing
7 broadband infrastructure.

8 (5) The department shall make all funding applications public to the extent possible.

9 ~~(2)(6)~~ This section may not be construed to preclude the department from considering a provider's
10 financial ability to complete the project proposed in a proposal or making reasonable requests for information
11 necessary for the oversight and administration of projects funded under this section.

12 ~~(3)(7)~~ This section may not be construed to empower the department to adopt any additional
13 regulatory obligations or to impose any new or additional regulatory requirements on funding recipients, through
14 proposal agreements or any other mechanism, other than the program implementation procedures expressly
15 authorized in this part. (Terminates on occurrence of contingency--sec. 13, Ch. 449, L. 2021.)"

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17 **Section 3.** Section 8, Chapter 401, Laws of 2021, is amended to read:

18 **"Section 8. Communications advisory commission.** (1) There is an American Rescue Plan
19 communications advisory commission.

20 (2) The commission consists of nine members, who must be appointed as follows:

21 (a) ~~three senators, two from the majority party and one from the minority party, appointed by the~~
22 ~~senate president;~~

23 ~~(b) three representatives, two from the majority party and one from the minority party, appointed by~~
24 ~~the speaker of the house; and six legislators of equal numbers from each house and party;~~

25 (c) ~~three members, appointed by the governor. one member representing a Montana-owned~~
26 ~~telecommunications provider;~~

27 (d) one member who is a Montana resident representing the telecommunications industry with
28 experience in expanding rural internet access; and

1 (e) one member representing a tribally owned telecommunications company or tribal governments.

2 (3) The commission shall review recommendations for funding communications projects and
3 provide recommendations to the executive on which projects should be funded.

4 (4) The department shall develop any grant application process or grant scoring criteria in
5 consultation with Montana-owned telecommunications companies, industry experts, regional economic
6 development organizations, representatives of county and local governments, tribal leaders, and education
7 interests.

8 (5) The commission shall review any grant application process or grant scoring criteria developed
9 by the department prior to the adoption of the application process or the grant scoring criteria.

10 (4)(6) Appointed members of the commission shall be compensated and receive travel expenses as
11 provided for in 2-15-124 for each day in attendance at commission meetings or in the performance of any duty
12 or service as a commission member.

13 ~~(5) The department of commerce shall staff the commission.~~

14 ~~(6)(7)~~ Funding for the commission is allocated from the administrative costs allowed in [section 9].

15 ~~(7) The commission shall hold its first meeting no later than June 11, 2021.~~

16 (8) The commission shall set its future meeting dates.

17 (9) The commission shall hold public meetings and provide public notice in accordance with 2-3-
18 203.

19 (10) The commission may object to the department's scoring criteria, recommendations, and other
20 methodology in whole or in part.

21 (11) The commission may recommend a cap on the amount of funding an applicant may receive.

22 (12) The commission may recommend to reject projects that undermine the long-term viability of
23 Montana-owned telecommunications providers.

24 (13) The commission shall review and make recommendations regarding all challenge processes
25 prior to their adoption.

26 (14) The commission shall review projects for compliance with the standards set in this part and
27 ongoing performance.

28

1 ~~(9)(15) The commission shall elect a chair from the legislative branch and a vice chair from the~~
2 ~~executive branch. The commission shall elect a presiding officer from the legislative branch."~~

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4 **Section 4.** Section 13, Chapter 449, Laws of 2021, is amended to read:

5 **"Section 13. Contingent termination.** [Sections 1 through 9] terminate when the budget director
6 certifies to the code commissioner that all funds received from the American Rescue Plan Act of 2021, Public
7 Law 117-2, the Infrastructure Investment and Jobs Act of 2021, Public Law 117-58, or subsequent funding
8 pursuant to [section 3(2)] allocated to the department of commerce for communications have been expended."

9

10 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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